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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,785	09/26/2003	Kwang Soo Kim	9988.061.00-US	4353

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EXAMINER

PATEL, RITA RAMESH

ART UNIT PAPER NUMBER

1746

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,785

Applicant(s)

KIM ET AL.

Examiner

Rita R. Patel

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings received 9/26/03 are acceptable for examination purposes.

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Dependent claims 2-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Suggestive language offered herein by the examiner for claim 1 is considered to distinguish patentably over the art of record in this application and thus making this application allowable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, limitation "a drainpipe, communicating with said tub to discharge water container in said tub, said drainpipe having a second orifice provided at one side

thereof," fails to particularly point out and claim distinctly the subject matter which applicant regards as the invention. Specifically, the terms 'communicating' and phrase 'provided at one side thereof' are indefinite. It is unclear how the drainpipe is communicating with said tub, the term communicating is indefinite in that it may implicate communication that is in connection with the tub by a pipe found in a part that is not specifically beneath the tub. Also, it is unclear how the drainpipe's second orifice is connected to the drainpipe, by claiming the drainpipe's second orifice is 'provided at one side thereof' does not delineate a structural relationship as required by the actual invention. The Office suggests claim language such as 'connected to a lower/bottom side of the tub' in lieu of the word 'communicating', and 'located onto the side of said drainpipe' in lieu of 'provided at one side thereof', aids in clarification of such claims.

Additionally, in claim 1, a limitation claiming "a water drain hose, communicating the first orifice of said gasket with the second orifice of said drainpipe, to discharge water via said drainpipe" similarly fails to particularly point out and claim distinctly the subject matter which applicant regards as the invention. As explicated above, the term 'communicating' is unclear in claiming how the water draining hose actually connects the first orifice with the second orifice in view of the scope of the invention. The Office suggests it to be replaced with the phrase 'physically connecting' to further clarify and claim distinctly applicants invention.

Conclusion

Examiner Rita Patel attempted to reach attorney Rebecca Goldman Rudich on 7/20/06, however, in this attempt was unable to make direct communication with the attorney in efforts to make an Examiner's Amendment for this case.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bell (US Patent No. 2,968,174) and Searle et al. (US Patent No. 3,159,174). Bell teaches a washing machine apparatus with a rotating basket therein and seal surrounding the opening, however the seal is arguably within the tub and does not physically connect to the door and tub when closed. Also, Bell teaches the seal attached to a sump prior to connection to the liquid outlet of the tub. Searle teaches a system for a washing machine wherein an annular bellow is used to collect water and is thus attached to a drain pipe in the system, however the gasket is not installed within the tub of the washing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP

A handwritten signature in black ink, appearing to read "Michael Barr", with a stylized flourish at the end.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER